

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-221563.2 **DATE:** March 27, 1986

MATTER OF: International Shelter Systems,
Inc.--Request for Reconsideration

DIGEST:

1. Dismissal of original protest for failure to comment on the agency report in a timely manner is affirmed despite protester's assertion that it did not receive GAO's acknowledgment of protest notice which states that the protest file will be closed without action if the protester fails to comment within the prescribed time since the protester failed to comply with our Bid Protest Regulations, which contain the comment requirement.
2. GAO Bid Protest Regulations are published in the Federal Register and therefore protesters are charged with constructive notice of their contents.

International Shelter Systems, Inc. (ISSI), requests reconsideration of our dismissal of its protest, B-221563, against the award of a contract to Mobile Offices of Maryland, Inc., under request for proposals (RFP) No. DAAD05-85-R-6974 issued by the Department of the Army (Army).

We dismissed the protest on February 25, 1986, because ISSI did not file its written comments on the Army's report or a statement of continued interest in the protest within 7 working days after receipt of the report, as required by our Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985).

We affirm the dismissal.

ISSI's original protest was filed on January 7, 1986. Our standard acknowledgment notice, dated the same day, advised ISSI that the Army's report was due on February 12, 1986, and that we would assume that ISSI would receive a

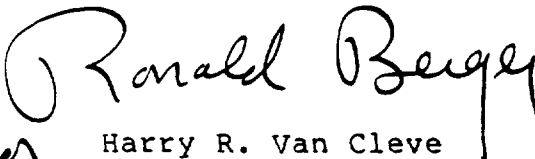
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copy of the report by that date. The acknowledgment notice advised ISSI to notify us promptly if it did not receive a copy of the report by February 12, 1986, and further advised that ISSI was required to file comments or a request for a decision on the existing record within 7 working days of receipt of the report. The 7-day comment period ended February 21, 1986. The notice specifically warned ISSI that, unless we heard from it by the 7th working day, we would close our file on its protest. Although we received the Army's report on its February 12, 1986, due date, we did not hear from ISSI within the prescribed time. Consequently, ISSI was notified of our dismissal of its protest.

In its request for reinstatement of its bid protest, ISSI argues that it never received our acknowledgment notice and therefore did not know that it either had to submit comments on the Army's report or file a statement requesting that the case be decided on the existing record within 7 working days from February 12, the due date for delivery of the Army report to GAO and to ISSI. ISSI argues that its initial protest clearly stated its arguments and its comments, filed on February 27, after the protest had been dismissed, "contributed no further clarification" to its protest. However, ISSI does not contend that its comments were filed within 7 working days after it received the Army's report.

Even if ISSI did not receive our January 7 acknowledgment notice, ISSI is not excused from the comment requirement since our Bid Protest Regulations specifically provide that failure of the protester to file comments or to file a statement requesting that the case be decided on the existing record or to request an extension within the 7-day period will result in dismissal of the protest. 4 C.F.R. § 21.3(e) (1985); Electronic Research Associates, Inc.--Request for Reconsideration, B-220291.3, Jan. 15, 1986, 86-1 C.P.D. ¶ 46. The purpose of the time requirements in our Regulations is to establish effective and uniform procedural standards that will provide all parties with a fair opportunity to present their cases. Equally important is the fact that these standards allow our Office the opportunity to resolve protests within a statutory 90-day timeframe so that protests will not unduly disrupt the government's procurement process. See Electronic Research Associates, Inc.--Request for Reconsideration, B-220291.3, supra.

Our Bid Protest Regulations are published in the Federal Register and, therefore, protesters are charged with constructive notice of their contents. Electronic Research Associates, Inc.--Request for Reconsideration, B-220291.3, supra. Since ISSI did not file its comments (or a statement requesting that the case be decided on the existing record) within the prescribed 7-day period, the protest was properly dismissed, and the file will not now be reopened. Electronic Research Associates, Inc.--Request for Reconsideration, B-220291.3, supra.

for 
Harry R. Van Cleve
General Counsel